

<b>FILED</b>
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Comm. Amdt. _____
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AMENDMENT NO. \_\_\_\_\_

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Signature of Sponsor

**AMEND Senate Bill No. 3169\***

**House Bill No. 3056**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, is amended by adding the following language as a new Part 7:

Section 63-10-701. Each of the following entities and persons is immune from liability to any patient, individual or organization for furnishing information, data, reports or records to any peer review committee identified in this section, or for damages resulting from any decision, opinions, actions and proceedings rendered, entered or acted upon by such committee, if made or taken in good faith without malice and on the basis of facts reasonably known or reasonably believed to exist:

(1) All national, state or local public or private organizations, institutions, foundations, systems, provider networks or professional associations or societies that maintain a peer review committee;

(2) Any managed care organization regulated under Title 56, Chapter 32 or any entity regulated under Chapters 7, 25, 26, 27, 28, 29, and 32 of Title 56 that contracts with or employs physicians to render health care services to individuals covered or insured by such organization or entity in accordance with applicable state laws and maintains a peer review committee;

(3) Any person under a contract or other formal agreement with such peer review committee;

(4) Any person who participates with or assists that peer review committee;

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(5) Members of boards of directors or trustees of any organization or other entity operating a peer review committee; and

(6) Any individual appointed to such peer review committee.

In no event, however, shall any Title 56 licensee referenced in item (2) disclose such peer review information to other Title 56 licensees.

Section 63-10-702. (a) The board of medical examiners shall have the authority to modify any of its orders concerning actions taken pursuant to subsection 63-6-214(b)(10), upon request of any party, by issuing a conditional license to practice medicine in this state to a person whose license has previously been denied, withheld, suspended or revoked in accordance with that subsection because the individual was convicted of an offense under state or federal drug laws. The board may take such action only:

(1) After the expiration of any sentence imposed upon a person convicted of such an offense, without consideration of whether the individual was released or remained incarcerated throughout the term of such sentence; provided, however, in no event shall the board take such action until at least three (3) years following the expiration of such sentence;

(2) After the individual has fully complied with any other terms of such sentence, such as payment of a fine or performance of community services;

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(3) If that individual has made arrangements that are satisfactory to the board, in its discretion, to practice under the supervision of a licensed physician for a period of not less than five (5) years after the issuance of the conditional license;

(4) The individual has entered into an agreement with the Tennessee Medical Foundation or other professional associations or foundations which the board, in its discretion, finds to be satisfactory, and

(5) The individual discloses the fact that he or she has a conditional license and the basis for such conditions, in writing, to all of his or her patients.

The failure of an individual who has been granted a confidential license pursuant to this subsection to fully comply with the conditions set forth in the preceding sentence shall be cause for the immediate termination of that conditional license in accordance with applicable provisions of Section 63-6-214.

(b) Any entity or organization referenced in subsection (a) or (b) of Section 63-10-702 shall not refuse to grant privileges to or contract with, respectively, a physician holding a conditional medical license issued pursuant to subsection (a), solely because that physician has previously been convicted of an offense under state or federal drug laws. Any such entity or organization shall not refuse to grant privileges to or contract with a physician who was convicted of an offense under state or federal drug laws prior to the effective date of subsection (a), if that physician has satisfied the conditions set

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forth in subsection (a). Such entities or organizations shall not be required to grant privileges to or contract with a physician holding a conditional license or who was previously convicted of a state or federal drug offense, unless that physician:

(1) Is not subject to any Medicare, Medicaid or TennCare sanction;

(2) Has an unrestricted certificate from the federal drug enforcement administration;

(3) Satisfies all of the entity's or organization's credentialing requirements, including acceptance by an organization's peer review committee operating pursuant to the first amendatory section of Section 1 designated as "§63-10-701"; and

(4) Accepts and complies with all terms and conditions of the privileges or contract offered to that physician by that entity or organization.

There is a presumption that an entity or organization who grants privileges to or contracts with a physician pursuant to this subsection has exercised reasonable care in taking such action.

SECTION 2. The second amendatory section of Section 1 designated as "§63-10-702" shall expire July 1, 2000.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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